

### **REMARKS**

Claims 1 to 4, 7 to 11, 14 to 32, 35 to 39, 52 to 58, and 62 to 70 were pending on the July 11, 2008 mailing date of the non-final Office Action. Claims 3, 4, 7 to 9, 31, 32, 35 to 37, 55 to 58, 64 to 67, and 70 have been cancelled herein, without prejudice or disclaimer of subject matter. Claims 71 and 72 have been added. Claims 1, 29, 71 and 72 are the independent claims. Reconsideration and further examination are respectfully requested.

Since support for the features recited by the new claims and the claim amendments is found throughout the disclosure, including at least paragraphs [0030], [0047], [0042], [0051], and [0052] of the originally filed application, the Applicants submit that no new matter has been added.

### **Interview Summary**

Initially, the Examiner's undersigned representative thanks Examiner LeRoux for the personal interview conducted on October 8, 2008. In the interview, the Applicants discussed the "past-user information" feature. Examiner LeRoux recommended that further amendments be made to the claim in addition to this proposal, suggesting, for example, that the feature of implicitly deriving of past-user information seemed distinctive if not novel. Although no agreement was reached, all parties agreed that the interview aided the mutual understanding of the application and references, and generally advanced prosecution.

### **§ 101 Rejections**

In the Office Action, claims 55 to 58 and 64 to 65 were rejected under 35 U.S.C. § 101. As noted above, these claims have been cancelled, without conceding the correctness of the rejection. Noting that new claims 71 and 72 recite, *inter alia*, computer programs, the Applicants observe that "a claimed computer-readable medium encoded with a computer program is a computer element which defines structural and functional interrelationships between the computer program and the rest of the computer which permit the computer program's functionality to be realized, and *is thus statutory*." See MPEP § 2106.01(I) (citing *Lowry*, 32 F.3d 1579, at 1583-84 (Fed. Cir. 1994)). Withdrawal of the § 101 rejection, as moot, and examination of the new claims is requested.

§ 112 Rejection

Claim 70, which was rejected under 35 U.S.C. § 112, ¶ 2, has been cancelled without conceding the correctness of this rejection. Withdrawal of the § 112 rejection is requested.

§ 103 Rejections

Claims 1 to 4, 7 to 11, 14 to 17, 19, 25, 28 to 32, 35 to 39, 42 to 45, 51, 54 to 58, 62 to 67, and 70 were rejected under 35 U.S.C. § 103(a) over U.S. Patent Application Publication No. 2004/0205514 ("Sommerer") in view of U.S. Patent No. 7,155,489 ("Heilbron"). As noted above, claims 3, 4, 7 to 9, 31, 32, 35 to 37, 55 to 58, 64 to 67, and 70 have been cancelled herein, without conceding the correctness of this rejection. In response, the independent claims have been amended to recite several additional features, including those suggested by the Examiner. Withdrawal of the § 103 rejection and further examination are requested.

Referring to particular claim language, independent claim 1 recites, *inter alia*, at least the feature of "automatically generating ... a request signal ... to request ... implicitly derived past-user information, ... the implicitly derived past-user information rating a previous viewers' interest in the second web document, the previous viewers being other than the user, and the interest of the previous viewers being implicitly derived using data at the search engine which logs measures of the previous viewers' interaction with the second web document, the measures including the previous viewers' linger time on the second web document, the previous viewers' quantity of repeat visits to the second web document, a quantity of repeat queries initiated by the previous viewers which led to the second web document, or a quantity of click-throughs by the previous viewers on the second web document." Independent claims 29, 71 and 72 recite similar, though not identical features, in other contexts. Neither Sommerer nor Heilbron, either alone or in combination (assuming *arguendo* that such a combination were possible) disclose, teach, or suggest at least these foregoing features.

Sommerer describes a hyperlink preview utility, in which a retrieval operation 410 retrieves the following information to be provided in a preview window:

[0036] The retrieval operation 410 may also retrieve and store other information about the target resource page, including without limitation text summaries based on entities found in the textual content of the target resource page, associated search queries or user topics, or extracted logical units from the document (e.g., title, menus, tables of contents, paragraphs, nested documents and images, and other visual and audio characteristics). Such additional information may also be stored in the archive storage and may be used to annotate the preview. For example, if a target resource page includes an audio characteristic, such as a sound clip, the preview may be annotated with an icon indicating that the target resource page includes a sound clip. Likewise, the preview may display the title of the target resource page, if available, or the preview may be annotated with search query parameters, if appropriate. Such annotations may appear as overlays in the preview window, in an annotations section of the preview window, or in other locations associated with the preview window or main browser window.

(Sommerer, [0036])

Thus, while the system of Sommerer may retrieve and display a variety of information summarizing the content of the target resource page, none of this information relates to information rating a previous viewers' interest in the target resource page, nor is it shown to include *implicitly derived* rating information.

Heilbron, which describes an approach for acquiring information regarding a web page without committing to download that page, does not remedy the deficiencies of Sommerer. See Heilbron, Abstract. The types of information displayed in Heilbron are summarized, below:

Other types of information that can be displayed within an informational region include information based on the user's relationship to the web page, such as the user's prior web browsing history for the web page. For example, the region may indicate when the user last visited the web page, and how many times total the user visited the web page. Another type of information that can be displayed within an informational region includes information based on the user relative to the web page, such as whether the user is likely to be interested in browsing the web page. For example, based on other web pages the user has browsed, and/or user-indicated preferences, etc., information can be displayed within the region indicating whether the user is likely to be interested in browsing the web page to which the link points. It is noted that in one embodiment, the information displayed within an informational region is limited to a predetermined amount of data, so that the data can be transmitted quickly to the user's browser. In one embodiment, the data for a given web page link contains an average of 350 bytes.

Still other types of information that can be displayed within an informational region include: whether the link is broken (that is, points to a web page that no longer exists); whether the page that the link points to is new as compared to the last time the user visited the page; when the web page to which the link points was last updated; whether the web page includes adult content; whether the web page lies on a secure server; whether the web page lies on a server that usually has a slow connection; and, how large the web page to which the link points is. Furthermore, if the web page includes content that is not be viewed by the user, such as adult-oriented content, etc., then the web page link to the web page can be disabled. The link may also be displayed in one of a number of different colors based on some predetermined criteria. For example, pages the user is likely to be interested in may be displayed in blue, etc.

Again, while it is true that the system described by Heilbron may retrieve and display a variety of information “based on the user’s relationship with the web page,” nothing in this cited passage describes the receipt of past-user information of a “previous viewers ... other than the user,” nonetheless *implicitly derived* information rating the previous viewers’ interest in a web document. See Heilbron, col. 7, ll. 10 to 48. With regard to the Examiner’s verbal observation in the interview that the “adult-oriented content” information provided by Heilbron must necessarily be identified by way of a past-user rating, the Applicants further submit that Heilbron fails to describe that such content is *implicitly derived* using data which logs various measures of the previous viewers’ interaction the a web document. A *prima facie* case of obviousness has therefore not been shown.

#### Conclusion

For these and other reasons, the applied references do not disclose, teach or suggest the features recited by amended claim 1. Independent claims 29, 71 and 72 are distinguishable for similar reasons. The other rejected claims in the application are each dependent of these independent claims, and are also allowable over the applied references for at least the above reasons. Because each claim is deemed to define additional aspects of the disclosure, however, the individual consideration of each claim on its own merits is respectfully requested.

All of the pending issues have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this reply should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this reply, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

No other matters being raised, and the entire application is fully in condition for allowance, and such action is courteously solicited.

Applicant : Gregory Joseph Badros et al.  
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No fees are due. Please apply any charges not otherwise paid, or apply any credits to deposit account 06-1050.

Respectfully submitted,

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/David E. A. Jordan/  
David E. A. Jordan  
Reg. No. 50,325

**Customer No. 26192**  
Fish & Richardson P.C.  
Telephone: (202) 783-5070  
Facsimile: (877) 769-7945